



Texas Department of Insurance Division of Workers' Compensation

FOR IMMEDIATE RELEASE
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News Release

FOR MORE INFORMATION
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Commissioner Betts Signs Disability Management Rules

AUSTIN, TX -- Commissioner of Workers' Compensation Albert Betts has signed rules that establish treatment guidelines, treatment planning benchmarks, and return-to-work goals and time frames which can be used to provide health care to injured employees in the Texas workers' compensation system. The rules (28 Texas Administrative Code §§137.1, 137.10, 137.100, and 137.300) are referred to as disability management rules and are necessary to implement Texas Labor Code §413.011.

Beginning May 1, 2007, health care providers are required to use Texas Department of Insurance, Division of Workers' Compensation (DWC) treatment and return-to-work guidelines when providing non-network health care to injured employees in the workers' compensation system. Health care providers are encouraged to review the disability management rules prior to the effective date. The rules were published in the Texas Register on January 12, 2007 and are posted on the DWC website at the following link:

<http://www.tdi.state.tx.us/wc/rules/tableofcontents/rulesoptions.html>.

DWC will be providing training to health care providers on the new rules and use of treatment and return-to-work guidelines prior to May 1, 2007.

"These rules provide a framework to improve communications among injured employees, health care providers, employers, insurance carriers, and the Division," Commissioner Betts said. "Disability management is a process designed to optimize health care and return-to-work for injured employees in order to avoid unnecessarily delayed recovery."

Commissioner Betts adopted the most current edition of the *Official Disability Guidelines-Treatment in Workers' Comp* (ODG) as the Division's medical treatment guidelines and the most current edition of *The Medical Disability Advisor, Workplace Guidelines for Disability Duration* (MDA) as the Division's return-to-work guidelines. More information about the ODG guideline is available from the Work Loss Data Institute website at: <http://www.worklossdata.com/texasform.htm> Additional information about the MDA guideline is available from the Reed Group website at: <http://www.rgl.net/states/Texas.aspx>.

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Key provisions of the new disability management rules include:

- 28 TAC §137.1 describes disability management as a process designed to optimize health care and return-to-work outcomes for injured employees to avoid delayed recovery, and explains how disability management tools should be applied and the relationship between these tools and other utilization review or adjudication processes in the workers' compensation system.
- 28 TAC §137.10 identifies the most current edition of MDA, excluding all sections and tables relating to rehabilitation, as the Division's return-to-work guidelines for the evaluation of expected or average return-to-work time frames. This section is effective on or after May 1, 2007.
- 28 TAC §137.100 identifies the most current edition of ODG as the Division's treatment guidelines, with the exclusion of the return-to-work pathways. The section requires health care providers to provide treatment in accordance with Division treatment guidelines unless the treatment or service requires preauthorization in accordance with §134.600 or §137.300. This section applies to health care provided on or after May 1, 2007.
- 28 TAC §137.300 requires treatment planning under certain circumstances defined in this section. When a treatment plan is required, a treating doctor shall submit the treatment plan for preauthorization to the insurance carrier. This section applies to health care provided on or after May 1, 2007.

For questions or more information about the disability management rules, please contact Jane McChesney at 512-804-5003; e-mail Jane.McChesney@tdi.state.tx.us.

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